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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,452	03/31/2000	Mark D Amundson	279.152US1	3682

7590 10/10/2002

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EXAMINER

OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 10/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

Advisory Action

Application No.

09/541,452

Applicant(s)

AMUNDSON ET AL.

Examiner

Frances P. Oropeza

Art Unit

3762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 15.

Claim(s) objected to: _____.

Claim(s) rejected: 1-14 and 23-29.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

GEORGE R. EVANISKO
PRIMARY EXAMINER

10/9/02

Frances P. Oropeza 10-9-02

Continuation of 2. NOTE:

Dependent claim 12 was cancelled and the subject matter incorporated in claim 1, however the subject matter incorporated in claim 1 from claim 12 is not the exact subject matter of claim 12, hence a new search of the prior art is required. In claim 1, the deletion of "a magnetically permeable core surrounded by the first telemetry coil for increasing the flux density therewithin and thereby allowing a smaller outer dimension of the first telemetry coil necessary for communication with the implanted device", the insertion of "a first and a second telemetry coil concentrically planarly wound substantially in common plane and each adapted to inductively couple with the implanted medical device", and the insertion of "a communication lead having a first end and second end where the first end is communicatively coupled to the first and the second telemetry coil" raise new issues that would require further search and consideration.

With regard to claim 15, the Applicant's arguments are convincing and claim 15 is allowed.

Dependent claim 27 was cancelled and the subject matter incorporated in claim 23, however the subject matter incorporate in claim 23 from claim 27 is not the exact subject matter of claim 27, hence a new search of the prior art is required. In claim 23, the insertion of "a first and a second telemetry coil" and "wherein the first telemetry coil and the second telemetry coil are concentrically planarly wound substantially in a common plane" raise new issues that would require further search and consideration.

The restriction of claim 28 is deemed proper because restrictions are based on the independent claims in an application and claim 28 does not contain all the limitations of independent claims 1, 15 and/or 23. Claim 23 is a combination of subcombination claims 1, 15 and 23.